

IN THE DRAWINGS:

Please substitute the prior versions of Figures 2 and 3 (previously submitted on October 8, 2004) with the attached replacement sheets for Figures 2 and 3.

REMARKS

Claims 22-27 and 29-34 are all the claims pending in the application. Claims 1-21 and 28 have been cancelled herein without prejudice or disclaimer. Claims 22, 23, and 25 are amended herein. Claims 29-34 are added herein. However, no new matter is being added. In fact, the subject matter of claims 29-34 corresponds to the allowable claimed language of claims 22-27. Claims 29-34 are merely directed to a computer program product for implementing the method of claims 22-27. Thus, Applicants contend that the subject matter presented in newly added claims 29-34 has previously been considered by the Examiner as it also relates to previous claims 15-20 (now cancelled). Thus, according to the MPEP, claims 29-34 should not constitute new matter for the purposes of entering this amendment. The Office Action indicates that claims 22-27 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112, second paragraph. Claims 2-28 stand rejected upon informalities. Claims 8-12, 14-19 and 21 stand rejected on prior art grounds. In addition, the drawings and specification are objected to. Applicants respectfully traverse these objections/rejections based on the following discussion.

I. The Objections to the Specification

The specification is objected to because of informalities. Applicants have amended pages 11-13, 16, and 18 to overcome the informalities. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw these objections.

II. The Objections to the Drawings

Figures 2 and 3 stand objected to for failing to comply with 37 CFR 1.84(p)(4).

09/718,679

11

Applicants have amended Figures 2 and 3 and are submitting replacement sheets for these figures in order to correct the defects in the drawings. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw these objections.

III. The Objections to the Claims

Claims 23 and 25 stand objected to because of informalities. Applicants have amended claims 23 and 25 in accordance with the suggestions in the Office Action. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw these objections.

IV. The 35 U.S.C. §112, First Paragraph, Rejection

Claims 8-21 and 28 stand rejected under 35 U.S.C. §112, first paragraph. Applicants have cancelled claims 8-21 and 28, as indicated above. In view of the foregoing, the Examiner is respectfully requested to withdraw these rejections.

V. The 35 U.S.C. §112, Second Paragraph, Rejection

Claims 22-28 stand rejected under 35 U.S.C. §112, second paragraph. Applicants have amended claims 22 and 28 in accordance with the suggestions in the Office Action. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw these objections.

VI. The Prior Art Rejections

Claims 8, 10-11, 15 and 17-18 stand rejected under 35 U.S.C. §102(b) as being

09/718,679

12

anticipated by the article "Selective Slow Start: A simple Alogrithm For Improving TCP Performance in Wireless ATM Environment", by Varshney. Claims 9 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the article "Selective Slow Start: A simple Alogrithm For Improving TCP Performance in Wireless ATM Environment", by Varshney, in view of RFC 2001 by Stevens. Claims 12, 14, 19 and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the article "Selective Slow Start: A simple Alogrithm For Improving TCP Performance in Wireless ATM Environment", by Varshney, in view of the article "Differentiation Congestion vs. Random Loss: Amethod for Improving TCP Performance over Wireless Links", by Parsa, et al. Applicants have cancelled claims 8-21 and 28, as indicated above. In view of the foregoing, the Examiner is respectfully requested to withdraw these rejections.

VII. Formal Matters and Conclusion

With respect to the objections to the specifications and claims, the specification and claims have been amended, above, to overcome these objections. With respect to the objection to the drawings, Replacement Sheets are submitted herewith.

In view of the foregoing, Applicants submit that claims 22-27 and 29-34, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to

09/718,679

13

discuss any other changes deemed necessary. Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 09-0441.

Respectfully submitted,

Dated: April 28, 2005



Mohammad S. Rahman
Registration No. 43,029
McGinn & Gibb, PLLC
2568-A Riva Road, Suite 304
Annapolis, MD 21401
Voice: (301) 261-8625
Fax: (301) 261-8825
Customer Number: 29154